

GENOVA & MALIN
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

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IN RE:

AHMAD SALEHZADEH, CHAPTER 11
CASE NO. 14-22666 (RDD)

Debtor.

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**MOTION TO WITHDRAW AS ATTORNEY OF RECORD PURSUANT
TO S.D.N.Y. LOCAL RULE 2090-1(e) AND NEW YORK RULES OF
PROFESSIONAL CONDUCT RULE 1.16(c)**

TO HONORABLE ROBERT D. DRAIN, UNITED STATES BANKRUPTCY JUDGE:

The Motion of GENOVA & MALIN, (the "Movant"), respectfully alleges:

1. On May 14, 2014, the debtor filed his petition under Chapter 11 of the United States Bankruptcy Code.
2. The Movant was retained by the debtor to represent him throughout the Chapter 11 proceeding, as such the Movant has fully informed the debtor of his duties under the Bankruptcy Code as a debtor-in-possession.
3. On or about February, 2015, after reviewing the proofs of claims filed in this case, Movant had a meeting with the debtor, wherein the parties discussed the debtor's options going forward with the Chapter 11 case. Upon making certain decisions, client was requested to provide certain documents to enable the Movant to move forward with the case.
4. In or about March, 2015, as debtor had not provided the requested

documents, the parties met again and further discussed the status of the debtor's Chapter 11 case. During this meeting it became grossly apparent that there is a substantial breakdown of communication between counsel and client.

5. Due to the parties' communication difficulties, counsel, after advising the client of the issues and obtaining no resolution of same, advised that this Motion would be filed, and the firm would seek to withdraw as counsel.

6. It is clear from the breakdown in communications, that the Movant cannot continue to represent the debtor, as same has prevented the parties from establishing the proper basis for an attorney/client relationship. Certainly, if the parties are unable to communicate during the pendency of this case, the Movant cannot establish the appropriate relationship necessary to allow the Movant to continue to represent the debtor.

7. Pursuant to NY Rules of Professional Conduct Rule 1.16 (c) an attorney may withdraw after receipt of permission by the Court for, inter alia, the following reasons, in pertinent part:

(1). lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(7). the client fails to cooperate in representation or otherwise renders the representation unreasonably difficult for the lawyer to carry out employment effectively.

N.Y. Rules of Professional Conduct Rule 1.16 (c)(1) and (c)(7) (2010).

8. Counsel has, to date, effectively discharged all of its duties in this case and has professionally and effectively represented the debtor. Counsel's withdrawal from the case at this time will not result in prejudice to the debtor.

9. Clearly, under the facts and circumstances set out herein, the Movant has

established sufficient cause for which to be relieved as counsel in this case.

10. The Movant respectfully requests that the requirement to file a memorandum of law in this matter be waived as the matter presents no novel issue of law.

WHEREFORE, it is respectfully requested that an Order be entered pursuant to S.D.N.Y. Local Rule 2090-1(e) and NY Rules of Professional Conduct Rule 1.16 (c), permitting the Movant to withdraw as counsel for the debtor; and that the Movant be granted such other and further relief as to this Court may seem just and proper.

Date: Wappingers Falls, New York
May 7, 2015

GENOVA & MALIN
Attorneys for Debtor

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